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MEMORIAL

OF THE

CONSTITUTIONAL CONVENTION OF UTAH.

JANUARY 12, 1888.—Referred to the Committee on Territories and ordered to be printed.

To the President and the Senate and House of Representatives of the United States of America in Congress assembled:

GENTLEMEN: For the fifth time the people of Utah present to your honorable body a constitution providing for a republican form of government, and respectfully ask admission into the Union as a free and sovereign State.

Your memorialists are delegates in a constitutional convention, chosen by the people of this Territory in mass meetings, to which all citizens of every party were publicly invited. The constitution presented herewith was framed by your memorialists with a desire to effect a political settlement of the questions which have heretofore interposed, as the sole objections, when Utah has applied for the rights and privileges of statehood.

Under recent acts of Congress no person practicing polygamy can vote or hold office in this Territory. Your memorialists are registered voters, and the constitution which they adopted on 7th day of July, 1887, was ratified at the general election, August 1, 1887, by a popular legal vote of 13,195, only 502 voting against it. The total number of votes cast at the same election for precinct and county officers and members of the legislative assembly was 16,640. This shows a balance of 2,943 who refrained from voting on this question; the voters of the minority party having been so directed, openly, by their political leaders, who do not favor any movement for the removal of those disabilities which are common to the Territorial system, unless likely to be specially favorable to them.

The number of the voting population has been considerably reduced by the operations of Congressional statutes. The act of March 22, 1882, disfranchised all polygamists. The act of March 3, 1887, excluded all women from the polls. The test oath prescribed by the same law was so distasteful to many persons of all classes who were otherwise qualified that they abstained from registration. And, as only registered voters could cast their ballots at the general election, for or against the constitution framed by your memorialists, the total vote in its favor was, under the circumstances, remarkably large.

The people who have adopted and ratified this constitution are law-abiding citizens of the United States. They have not violated any law of Congress. The special provisions they have framed in reference to practices condemned by the popular voice were made in good faith, and

so worded that they are practically unrepealable. In these Congress has not imposed unusual requirements upon a new State, but the people have placed these restrictions upon themselves in order to meet prevailing objections and secure political harmony with the existing States. In doing this they consider they have but exercised a reserved and constitutional right. If Utah shall be admitted into the Union, these provisions will be strictly and fairly enforced.

Your memorialists have no hesitation in stating that almost the entire population of Utah are desirous of becoming fully identified as a State with the institutions of this great Republic and taking part in national affairs as loyal and peaceable citizens. They have demonstrated their fitness for the duties, responsibilities, and privileges of statehood. They are thrifty, temperate, industrious, intelligent, and progressive. They form a vigorous, stable, and permanent community, out of debt and ready to move forward in step with existing States.

The Territory has a population of not less than 200,000. Her wealth, exclusive of mines, which are untaxed and represent unknown millions, aggregates not less than $150,000,000. Her resources, products, interests, and prospects are conceded by all to be amply sufficient to sustain a State government, and have so frequently been presented to Congress and the nation, with statistics, that we deem it unnecessary to detail them in this memorial. The soil, irrigated by mountain streams diverted through canals and ditches over large areas once a desert, brings forth grain and fruit in rich abundance. Cattle and sheep roam upon a thousand hills and supply both home and foreign markets. Her woolen and other manufactories have become famous for their honest and useful products. Factories and workshops supply labor to skilled and common artisans, who are content with reasonable wages and among whom strikes and troubles with capital have hitherto been unknown. The necessities and many of the luxuries of life are abundant and cheap. Minerals of all kinds abound within her borders, and the mining output aggregates from $7,000,000 to $10,000,000 annually. Apart from the precious metals there are valuable deposits so varied in character and immense in quantity as to afford in themselves material for untold wealth. These await but the touch of the capital that a settled condition will draw to Utah, to be brought forth for the benefit of her people and the enrichment of the nation. The great railroads which already have their termini in or near her capital city, with others in process of construction, place her people in easy communication with the rest of the country and facilitate commercial relations. The telegraph, the telephone, the electric light, and other modern improvements are utilized extensively by her citizens. Her business status and reputation in the great centers of trade are unimpeachable. Her taxes are phenomenally low, and her internal affairs have been honestly amd economically conducted. Her school system, with the best text-books used in the foremost schools of the country, provide strictly secular education for the children in every city and settlement. Her school statistics bear very favorable comparison with even the older States. Nothing now stands in the way of her march to that proud position to which every thing just and natural points as her destiny but those political disabilities which only statehood can remove.

We appeal to your honorable body to regard the wishes of a people who earnestly desire to aid in promoting the welfare and glory of the Union, and who, from the day their pioneers first unfurled the stars and stripes, on this then Mexican soil, have looked forward to the time when they should enter the Union as a State, as guarantied to them

in common with other residents on the territory acquired by the treaty of Guadalupe Hidalgo.

We ask that the constitution of the new proposed State of Utah shall receive the close and impartial attention of your honorable body. It guaranties "a republican form of government." It provides for equal rights and privileges before the law to citizens of all parties, creeds, and conditions. It is broad and liberal and contains the best provisions to be found in other State constitutions. It meets the demands that have been made upon the majority of the people of Utah when they have previously asked admission into the Union. What more can be required of any people?

The admission of Utah will relieve the Government of a question that has troubled it for a quarter of a century, and remove it from national to local regulation, where it properly belongs. It will add one more star to the national galaxy, increase the strength of the Union, save the country many thousands of dollars annually, and bind to the interests of the nation a body of honest, patriotic, and grateful people, who will be found, when the mists of misrepresentation and prejudice are cleared away, to be a community of which any government might be proud.

We ask for "a republican form of government," and we ask that it be given us now. For nearly forty years Utah has been pleading for statehood. Shall a deaf ear be still turned to her entreaties? We hope for better things. In behalf of the great majority of the voters who represent the vast majority of the people of Utah, we submit that having broken no law we should not be deprived of our liberties on account of objections raised against others. We ask for justice and a fair consideration of our cause, with the solemn pledge that Utah as a State will be faithfully devoted to true republican principles, and to the interests and welfare of the Government of the United States; and your memorialists will ever pray.

Adopted in convention at Salt Lake City, Utah Territory, on the 8th day of October, A. D. 1887, by unanimous vote, and ordered to be signed by the president and secretary.

JOHN T. CAINE,
President.
HEBER M. WELLS,
Secretary.

CONSTITUTION OF THE STATE OF UTAH.

PREAMBLE

We, the people of Utah, grateful to Almighty God for our freedom, in order to secure its blessings, insure domestic tranquillity, and form a more perfect government, do establish this

CONSTITUTION.

ARTICLE I.—*Bill of Rights.*

SECTION 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness

SEC 2. All free governments are founded on the authority of the people, and instituted for their equal protection and benefit

SEC. 3. There shall be no union of church and State, nor shall any church dominate the State.

SEC. 4. The right to worship God, according to the dictates of conscience, shall never be infringed, nor shall the State make any law respecting an establishment of religion or prohibiting the free exercise thereof, nor shall any control of, or interference with the rights of conscience be permitted No religious test or property qualification shall be required for any office or public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief, or the absence thereof

SEC. 5. The right of trial by jury shall remain forever inviolate, but the legislature may provide that in civil actions five-sixths of a jury may render a verdict; and that in inferior courts a number less than twelve may constitute a jury.

SEC. 6. The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 7. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained, nor confined in any room where criminals are actually imprisoned

SEC. 8. All persons shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great.

SEC. 9. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger, nor shall any person for the same offense be twice put in jeopardy; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken or damaged for public use without just compensation.

SEC. 10. In all criminal prosecutions the accused shall have the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SEC. 11. The State shall pass no law abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and petition the Government for the redress of grievances.

SEC. 12. The military shall be subordinate to the civil power.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law, and no standing army shall be maintained by this State in time of peace.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. There shall be no imprisonment for debt, except in cases of fraud.

SEC. 16. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts shall be passed.

SEC. 17. All laws of a general nature shall have a uniform operation.

SEC. 18. Foreigners who are, or who may hereafter become, bona fide residents of this State, shall have the same rights in respect to the possession, enjoyment, transmission, and inheritance of property as native-born citizens

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons or things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. And no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 21. The right of citizens to keep and bear arms for common defense shall not be questioned.

SEC. 22. The blessings of free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.—*Right of Suffrage.*

SECTION 1. Every male citizen of the United States, not laboring under the disabilities named in this constitution, of the age of twenty-one years and over, who shall have resided in the State six months, and in the county and voting precinct thirty days, next preceding any election, shall be entitled to vote for all officers that now are or hereafter may be elected by the people, and upon all questions submitted to the electors at such election: *Provided,* That no person who has been or may be convicted of treason or felony,

in any State or Territory of the United States, or in any district over which the United States has jurisdiction, unless restored to civil rights, shall be entitled to the privileges of an elector

SEC. 2. During the day on which any general election shall be held, no elector shall be obliged to perform military duty, except in time of war or public danger.

SEC. 3. All elections by the people shall be by secret ballot

SEC 4 Provisions shall be made by law for the registration of the names of the electors within the counties and voting precincts of which they may be residents, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage

ARTICLE III.—*Distribution of Powers.*

SECTION 1 The powers of the government of the State of Utah shall be divided into three separate departments the legislative, the executive, and the judicial, and neither of said departments shall exercise any functions appertaining to either of the others except in the cases herein expressly directed or permitted

ARTICLE IV —*Legislative Department.*

SECTION 1. The legislative authority of this State shall be vested in a legislature, which shall consist of a senate and house of representatives, and the sessions thereof shall be held at the seat of government

SEC. 2 The sessions of the legislature shall be biennial, and, except at the first session thereof, shall commence on the second Monday in January next ensuing the election of members of the house of representatives unless the governor shall convene the legislature by proclamation.

SEC. 3. The members of the house of representatives shall, except at the first election, be chosen biennially, by the qualified electors of their respective districts, at the general election, and their term of office shall be two years from and including the first Monday in December next succeeding their election.

SEC. 4 The senators shall be chosen by the qualified electors of their respective districts, at the same time and places as the members of the house of representatives, and their term of office shall be four years from and including the first Monday in December next succeeding their election, except as otherwise provided in section 10 of Article XVII of this constitution

SEC. 5. The first legislature shall consist of twelve senators and twenty-four representatives, the number of senators and representatives may be increased, but the senators shall never exceed thirty in number, and the number of representatives shall never be less than twice that of the senators The apportionment and increase of the members of both houses shall be as prescribed by law.

SEC. 6 No person shall be a senator who shall not have attained the age of twenty-five years, nor shall any person be a senator or representative who shall not be a citizen of the United States, and who except at the first election, shall not have been two years a resident of this State and for six months next preceding his election a resident of the district in which he is elected No person holding any State office, except officers of the State militia, commissioners of deeds, and notaries public, and no executive or judicial officer shall have a seat in the legislature.

SEC 7. The members of the legislature shall, before entering upon their official duties, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to discharge the duties of their respective offices

SEC. 8. Each house shall judge of the qualifications, elections, and returns of its own members, may punish them for disorderly conduct, and with the concurrence of two-thirds of its whole number, expel a member

SEC. 9. No member of the legislature shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by election by the people

SEC. 10. Members of the legislature, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the legislature, and for fifteen days next before the commencement and after the termination thereof, and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 11 When a vacancy occurs in either house, the governor shall order an election to fill such vacancy.

SEC. 12. A majority of all the members elected to each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

SEC. 13. Each house shall establish its own rules, keep a journal of its own proceedings, and publish them, except such parts as require secresy, and the yeas and nays of the members of either house, on any question shall, at the desire of any three members present, be entered on the journal.

SEC. 14. The door of each house shall be kept open during its session, except the senate while sitting in executive session; and neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be holding session.

SEC. 15. The enacting clause of every law shall be as follows: "Be it enacted by the legislature of the State of Utah"

SEC. 16. Any bill or joint resolution may originate in either house of the legislature, and shall be read three times in each house before the final passage thereof, and shall not become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by yeas and nays, which shall be entered on the journal.

SEC. 17. No law shall be revised or amended by reference to its title only, but the act as revised, or section as amended, shall be enacted and published at length.

SEC. 18. All bills or joint resolutions passed by the legislature shall be signed by the presiding officers of the respective houses.

SEC. 19. The legislature shall not grant any special privilege or bill of divorce, nor authorize any lottery, gift enterprise, or game of chance.

SEC. 20. No money shall be drawn from the treasury except as appropriated by law.

SEC. 21. Provision shall be made by law for bringing suit against the State.

SEC. 22. The first regular session of the legislature may extend to one hundred and twenty days, but no subsequent regular session shall exceed sixty days, nor shall any session convened by the governor exceed twenty days.

SEC. 23. The members and officers of the legislature shall receive for their services a compensation to be fixed by law, and no increase of such compensation shall take effect during the term for which the members and officers of either house shall have been elected.

SEC. 24. Every bill passed by the legislature shall be presented to the governor. If he approve it, he shall sign it, whereupon it shall become a law; but if not, he shall return it, with his objections, to the house in which it originated, which house shall cause such objections to be entered upon its journal, and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by a vote of two-thirds of the members elected to each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him, Sundays excepted, exclusive of the day on which he received it, the same shall be law in like manner as if he had signed it, unless the legislature, by its final adjournment, prevent such return, in which case it shall not become a law unless the governor, within ten days after the adjournment, shall file such bill, with his approval thereof, in the office of the secretary of state: *Provided*, That every general appropriation bill shall be presented to the governor at least five days before the day of final adjournment, and in case he vetoes the same, in whole or in part, he shall return it, with his objections to the whole or to the separate items of which he may disapprove, not less than two days before said final adjournment, whereupon each house shall proceed to consider his objections to the whole or to the separate items of which he may disapprove, and any item not receiving the necessary two-thirds vote shall not become law.

ARTICLE V.—*Executive department.*

SEC. 1. The supreme executive power of this State shall be vested in a governor.

SEC. 2. The governor shall be elected by the qualified electors at the time and places of voting for the members of the legislature, and shall hold his office for the term of two years from and including the first Monday in December next succeeding his election, and until his successor shall be qualified.

SEC. 3. No person shall be eligible to the office of governor who is not a qualified elector, and who, at the time of such election, has not attained the age of twenty-five years, and who, except at the first election under this constitution, shall not have been a citizen resident of this State for two years next preceding the election.

SEC. 4. The governor shall be commander-in-chief of the military forces of this State, and may call out the same to execute the laws, suppress insurrection, and repel invasion, and when the governor shall, with the consent of the legislature, be out of the State in time of war, and at the head of any military force thereof, he shall continue commander-in-chief of the military forces of the State

SEC. 5. He shall transact all executive business for and in behalf of the State, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 6. When any office shall from any cause become vacant, and no mode is prescribed by the constitution or laws for filling such vacancy, the governor shall have power to fill such vacancy by appointment, which vacancy shall expire when such vacancy shall be filled by due course of law

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. The governor may, on extraordinary occasions, convene the legislature by proclamation, and shall state to both houses when organized the purpose for which they have been convened.

SEC. 9. He shall communicate by message to the legislature, at every regular session, the condition of the State, and recommend such measures as he may deem expedient.

SEC. 10. The governor shall have power to grant reprieves, commutations, and pardons, after conviction, of all offenses except impeachment, subject to such restrictions and regulations as are named in this constitution or as may be provided by law

SEC 11. A lieutenant-governor shall be elected at the same time and places and in the same manner as the governor, and his term of office and his eligibility shall also be the same. He shall be the president of the senate, but shall only have a casting vote therein In case of impeachment of the governor, or his removal from office, death, inability to discharge the duties of said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the disability shall cease, and in case of the disability of both the governor and lieutenant-governor, the powers and duties of the executive shall devolve upon the secretary of state until such disability shall cease or the vacancy be filled.

SEC. 12. A secretary of state, a treasurer, an auditor, a surveyor-general, and an attorney-general shall be elected at the same time and places and in the same manner as the governor, the term of office of each shall be the same as is prescribed for the governor Any elector who, except at the first election, shall have resided in this State two years next preceding such election shall be eligible to any of said offices, except the secretary of state, whose qualifications shall be the same as those of the governor.

SEC 13. There shall be a seal of the State, kept by the secretary of state, which shall be called the "Great Seal of the State of Utah."

SEC 14. All grants and commissions shall be in the name and by the authority of the State of Utah, and shall be signed by the governor, and countersigned by the secretary of state, who shall affix the great seal of the State thereto

SEC 15 The secretary of state shall be the custodian of the official acts of the legislature, and shall keep a true record of the proceedings of the executive department of the government, and shall, when required, lay the same and all other matters relative thereto before either branch of the legislature.

SEC. 16 The secretary of state, treasurer, auditor, surveyor-general, and attorney-general shall perform such other duties as may be prescribed by law.

SEC. 17 The governor shall not, during the term for which he is elected and qualified, be elected to the senate of the United States.

ARTICLE VI.—*Judicial department*

SECTION 1. The judicial power of this State shall be vested in a supreme court, circuit courts, and such inferior courts as shall be established, and whose jurisdiction shall be determined by law.

SEC. 2. The supreme court shall consist of a chief-justice and two associate justices, a majority of whom shall constitute a quorum.

SEC. 3. The justices of the supreme court shall be elected by the qualified electors of the State at the general election and except as otherwise provided in section 12 of Article XVII of this constitution, shall hold office for the term of six years from and including the first Monday in December next succeeding their election, and until their successors are qualified, the senior justice in commission shall be chief-justice, and in case the commissions of any two or more of said justices shall bear the same date, they shall determine by lot who shall be chief-justice

SEC 4. The supreme court shall have appellate jurisdiction in all cases arising under the laws of the State, including special proceedings. The court shall have original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus, also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court, or before any circuit court in the State, or before any judge of said courts

SEC 5. The State shall be divided into a convenient number of judicial circuits, in each of which shall be elected, by the electors thereof, at the general election, one judge, who shall be the judge of the circuit court therein, and whose term of office shall

be four years from and including the first Monday in December next succeeding his election and until his successor shall be qualified. Until otherwise provided by law, there shall be four circuits, as follows: The counties of Weber, Box Elder, Cache, Rich, and Morgan shall constitute the first circuit; the counties of Salt Lake, Summit, Davis, and Tooele shall constitute the second circuit; the counties of Utah, Juab, Emery, San Pete, Sevier, Millard, Wasatch, and Uintah shall constitute the third circuit, and the counties of Beaver, Iron, Washington, Kane, Garfield, San Juan, and Piute shall constitute the fourth circuit.

SEC. 6. The circuit courts shall have both chancery and common-law jurisdiction; and such other jurisdiction, both original and appellate, as may be prescribed by law: *Provided*, That nothing herein shall be so construed as to prevent the legislature from conferring limited common-law or chancery jurisdiction upon inferior courts

SEC. 7. The judges of the circuit courts may hold court for each other, and shall do so when required by law.

SEC. 8. The judges of the supreme and circuit courts shall be ineligible to election to any other than a judicial office, or to hold more than one office at the same time.

SEC. 9. No person shall be eligible to the office of supreme or circuit judge who is not a male citizen of the United States, and has not attained the age of twenty-five years, and who, except at the first election, has not been a resident of this State at least two years next preceding his election But nothing in this section shall be construed to prevent the legislature from prescribing additional qualifications

SEC. 10. The judges of the supreme and circuit courts shall each receive for his services a salary to be fixed by law, which shall not be diminished for the term for which he shall have been elected.

SEC. 11. The legislature shall determine by law the places in each circuit at which the circuit courts shall be held, and fix the terms thereof

SEC. 12. The supreme court shall always be open for business, except in case of adjournment, which in no case shall exceed thirty days. Its sessions shall be held at the seat of government.

SEC. 13. The style of all process shall be "The State of Utah," and all prosecutions shall be conducted in the name and by the authority of the same

ARTICLE VII.—*Impeachment.*

SEC. 1. The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting as a court of impeachment the senators shall be upon oath or affirmation to do justice according to law and evidence, and no person shall be convicted without the concurrence of two-thirds of all the senators.

SEC. 2. The governor, judges of the supreme and circuit courts, and other State officers shall be liable to impeachment When the governor or lieutenant-governor is tried the chief justice of the supreme court shall preside, and in all cases judgment shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under this State, but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law.

SEC. 3. When an impeachment is directed the house of representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the legislature, when the senate shall proceed to try the same

SEC. 4. In all impeachment trials the accused shall have the right to appear, and in person, and by counsel, to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf.

SEC. 5. Any State officer shall be liable to impeachment for corrupt conduct in office, for immoral conduct, for habitual drunkenness, or for any act which, by the laws of the State, may be made a felony.

SEC. 6. The legislature shall determine by law the cause, and provide for the removal, of any officer whose removal is not herein provided for.

ARTICLE VIII.—*Municipal and other Corporations.*

SEC. 1. The legislature shall pass no special act conferring corporate powers

SEC. 2. The legislature shall by general laws provide for the organization of cities, towns, and villages, and restrict their powers of taxation and assessment.

SEC. 3. The legislature shall provide, by general laws, for the organization of private corporations.

ARTICLE IX.—*Finance and State debt.*

SEC. 1. The legislature shall provide by law for an annual tax, sufficient to defray the expenses of the State.

SEC. 2. The State shall not assume or guarantee the debts of, nor loan money or its credit to, or in aid of, any county, city, town, village, school district, private corporation, or any individual, nor be interested in the stock of any company association, or corporation

SEC. 3. The State debt shall not at any time exceed 3 per centum of the taxable property of the State, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness.

SEC. 4. No subdivision of the State shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding the following percentages of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness, viz: School districts, 2 per centum, counties, 2 per centum, cities, 5 per centum: *Provided*, That cities of 5,000 inhabitants and upwards (to be ascertained by the preceding census) may for the purpose of furnishing water increase their indebtedness to an additional amount of not exceeding 5 per centum of the taxable property, as aforesaid, upon a two-thirds vote of the qualified voters at an election called for that purpose. Any city, county, or school district incurring any indebtedness as aforesaid shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty-five years from the time of contracting the same.

ARTICLE X.—*Taxation.*

SECTION 1. The legislature shall by law provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal, and possessory. *Provided*, That mines and mining claims bearing gold, silver, and other precious metals, except the surface improvements thereof, shall be exempt from taxation for a period of ten years from the date of the adoption of this constitution, and thereafter may be taxed as provided by law.

SEC. 2. The property of the United States and the property of this State, and such property as may belong to any county or municipal corporation or as may be used exclusively for agricultural, horticultural, and scientific societies, chartered or controlled by the State or for school, religious, cemetery, or charitable purposes, shall be exempt from taxation, and ditches, canals, dams, reservoirs, and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations or by the individual members thereof shall not be taxed so long as they shall be owned and used exclusively for such purposes

SEC. 3. The legislature shall not impose taxes for the purpose of any county, city, town, or other corporation, but may by law vest in the corporate authorities thereof respectively the power to assess and collect taxes for all purposes of such corporations.

ARTICLE XI.—*Education.*

SECTION 1. The legislature shall provide for a uniform system of public schools, the supervision of which shall be vested in a State superintendent and such other officers as the legislature shall provide The superintendent shall be chosen by the qualified electors in the State in such manner as the legislature shall provide His powers, duties, and compensation shall be prescribed by law.

SEC. 2. The legislature may establish free schools. *Provided*, That no sectarian or denominational doctrine shall be taught in any school supported in whole or in part by public funds. Nor shall any professor, instructor, or teacher be preferred, employed, or rejected in said schools on account of his religious faith or belief or affiliation or sympathy with any denomination, creed, or sect

SEC. 3. All legislation in regard to education shall be impartial, guarantying equal rights and privileges to all persons, irrespective of race, color, or religion

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of schools shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands and such other means as the legislature may provide, shall be appropriated to the support of the public schools throughout the State

SEC. 5. The University of Deseret shall be the university of this State, and be under the control of the legislature The proceeds of all lands that have been granted by Congress for university purposes shall be and remain a perpetual fund, the interest of which,

together with the rents of unsold land, shall be appropriated to the support of said university.

SEC. 6. The legislature shall foster and encourage moral, intellectual, and scientific improvement. They shall make suitable provisions for the education of the blind and mute, and for the organization of such institutions of learning as the best interests of general education in the State may demand.

ARTICLE XII.—*The militia.*

SECTION 1. The legislature shall provide by law for organizing and disciplining a militia of this State in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States nor the constitution of this State.

SEC. 2. Officers of the militia shall be elected or appointed in such manner as the legislature shall, from time to time, direct, and shall be commissioned by the governor.

SEC. 3. The legislature shall provide for calling forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

ARTICLE XIII.—*Public institutions.*

SECTION 1. Institutions for the care and benefit of the insane, the blind, the deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

SEC. 2. A State prison shall be established and maintained in such manner as may be prescribed by law, and provision shall be made by law for the establishment and maintenance of a house of correction for juvenile offenders

SEC. 3. The respective counties of the State shall provide, as may be prescribed by law, for those persons who, by reason of age, infirmity, or misfortune, may have claim upon the sympathy and aid of society.

ARTICLE XIV.—*Boundary.*

The boundary of the State of Utah shall be as follows:

Commencing at a point formed by the intersection of the thirty-second degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the intersection of the same with the thirty-seventh degree of longitude west from Washington; thence due north along said thirty-seventh degree of west longitude to the intersection of the same with the forty-second degree of north latitude; thence due east along said forty-second degree of north latitude to the intersection of the same with the thirty-fourth degree of longitude west from Washington; thence due south along said thirty-fourth degree of west longitude to the intersection of the same with the forty-first degree of north latitude; thence due east along said forty-first degree of north latitude to the intersection of the same with the thirty-second degree of longitude west from Washington; thence due south along said thirty-second degree of west longitude to the place of beginning.

ARTICLE XV.—*Miscellaneous provisions.*

SECTION 1. The seat of government shall be at Salt Lake City, until the legislature may otherwise determine.

SEC. 2. No person shall be eligible to any elective office who is not a qualified elector.

SEC. 3. The general election shall be held on the first Monday in August of each year, unless otherwise provided by law.

SEC. 4. The legislature shall provide for the speedy publication of all laws of this State.

SEC. 5. The compensation of all State officers shall be as prescribed by law: *Provided*, No change of salary or compensation shall apply to any officer, except a judge of the supreme or circuit court, during the term for which he may have been elected.

SEC. 6. All executive officers of the State shall keep their respective offices at the seat of government.

SEC. 7. A plurality of votes given at any election by the people for officers shall constitute a choice, where not otherwise provided by the constitution.

SEC. 8. No person holding any office of honor or profit under the government of the United States, shall hold office under the government of this State, except postmasters whose annual compensation does not exceed $300, and except as otherwise provided in this constitution.

SEC. 9. The legislature at their first session shall prescribe the methods of conducting all general and special elections in this State, and for canvassing all votes cast at such elections, and declaring the results thereof.

SEC. 10. All officers, executive, judicial, and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to the following oath or affirmation: I ——— do solemly swear (or affirm) that I will support the Constitution of the United States, and of the State of Utah, and will faithfully discharge the duties of the office of——— according to the best of my ability.

SEC. 11. Until otherwise provided by law, the several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than $1,000 and imprisonment for a term not less than six months nor more than three years, in the discretion of the court This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States

ARTICLE XVI.—*Amendments.*

SECTION 1. Any amendment or amendments to this constitution, if agreed to by a majority of all the members elected to each of the two houses of the legislature, shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be elected, and shall be published for three months next preceding the time of such election, and if, in the legislature next elected as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of the constitution *Provided*, That section 12 of Article XV shall not be amended, revised, or in any way changed until any amendment, revision, or change as proposed therein shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed said section shall remain perpetual.

SEC. 2 If at any time the legislature, by a vote of two-thirds of the members elected to each house, shall determine that it is necessary to cause a revision of this constitution, the electors shall vote at the next election for members of the legislature, for or against a convention for that purpose, and if it shall appear that a majority of the electors voting at such election shall have voted in favor of calling a convention, the legislature shall, at its next session, provide by law for calling a convention, to be held within six months after the passage of such law; and such convention shall consist of a number of members not less than that of the two branches of the legislature

ARTICLE XVII.—*Schedule and election.*

SECTION 1. That no inconvenience may arise by reason of a change from a Territorial to a State government, it is hereby declared that all rights, actions, prosecutions, judgments, claims, and contracts, as well of individuals as of bodies corporate, both public and private, shall continue as if no change had taken place, and all process which may issue under the authority of the Territory of Utah previous to its admission into the Union shall be as valid as if issued in the name of the State of Utah.

SEC. 2. All laws of the Territory of Utah, in force at the time of the admission of this State, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the legislature.

SEC. 3. All fines, penalties and forfeitures accruing to the Territory of Utah, or to the people of the United States in the Territory of Utah, shall inure to this State, and all debts, liabilities and obligations of said Territory shall be valid against the State, and enforced as may be provided by law.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a Territorial to a State government, shall remain valid, and shall pass to and be prosecuted in the name of the State, and all bonds executed to the governor of the Territory, or to any other officer or court, in his or their official capacity, or to the people

of the United States in the Territory of Utah, shall pass to the governor or other officer or court, and his or their successors in office, for the uses therein respectively expressed, and may be sued on and recovery had accordingly, and all revenue, property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, claims, and debts, of whatsoever description, and all records and public archives of the Territory of Utah, shall issue and vest in the State of Utah, and may be sued for and recovered in the same manner and to the same extent by the State of Utah as the same could have beeen by the Territory of Utah. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Utah before the change from a Territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Utah, with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity, and other legal proceedings which may be pending in any of the courts of the Territory of Utah at the time of the change from a Territorial to a State government, may be continued and transferred to and determined by any court of the State having jurisdiction; and all books, papers, and records relating to the same shall be transferred in like manner to such court.

SEC. 5. For the purpose of taking the vote of the electors of this Territory for the ratification or rejection of this constitution, the registration officers appointed by the Utah Commission in the several counties are hereby each requested to add to the notices which they are required by law to post in each precinct, designating the offices to be filled at the general election to be held on the first Monday in August, 1887, the further notice, as follows, to wit:

"At the same time and place, the question of the ratification or rejection of the State constitution adopted by the constitutional convention in Salt Lake City, July 7, 1887, will be submitted to the registered voters of the precinct, those who are in favor of ratification will write or cause to be written or printed on the bottom of their ballots the words 'Constitution, yes,' and those in favor of rejection, 'Constitution, no'"

If the registration officers or either of them shall refuse or neglect to post the notice herein provided for, the county clerks of the respective counties are hereby requested to post a notice to the same effect in each precinct on the 16th day of July, 1887.

SEC. 6. The judges of election, or either of them, appointed by the Utah Commission in each precinct to canvass and count the votes are hereby requested, after the polls are closed, to canvass and count the ballots cast for and against this constitution and make returns of the same forthwith, by the most safe and expeditious conveyance, to Heber M. Wells, Salt Lake City, the secretary of this convention, marked "Constitution election returns." Upon the receipt of said returns, or within fourteen days after the election, if the returns are not sooner received, it shall be the duty of the president and secretary of this convention and the probate judge of Salt Lake County, or any two of the persons named in this section, to canvass the returns of said election in the presence of all who may choose to attend, and immediately publish an abstract of said returns in one or more of the newspapers published in the Territory of Utah, and forward a copy of said abstract, duly certified by them, to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the Delegate in Congress from Utah Territory.

SEC. 7. Until otherwise provided by law, the apportionment of senators and representatives shall be as follows:

REPRESENTATIVE DISTRICTS.

No. 1.—All of Rich County and Logan, Hyde Park, Smithfield, and Providence precincts, Cache County.

No. 2.—Balance of Cache County.

No. 3.—Box Elder County.

No. 4.—Ogden precinct, Weber County.

No. 5.—Balance of Weber County.

No. 6.—Morgan County, Davis County, and Pleasant Green, Hunter, and North Point precincts, in Salt Lake County, and Henneferville precinct, Summit County.

No. 7.—Summit County (except Henneferville, Peoa, Woodland, and Kamas), and Mountain Dell and Sugar House Ward, in Salt Lake County.

No. 8.—All of Tooele County, Tintic precinct, Juab County and Bingham precinct, Salt Lake County.

No. 9.—First Salt Lake City precinct.

No. 10.—Second Salt Lake City precinct.

No. 11.—Third and Fourth Salt Lake City precincts, and Brighton and Granger precincts, in Salt Lake County

No. 12 —Fifth Salt Lake City precinct, including Fort Douglas.

No. 13 —North Jordan, West Jordan, South Jordan, Fort Herriman, Riverton, Bluff Dale, South Cottonwood, Union, and Sandy precincts, in Salt Lake County

No 14 —Farmer's Mill Creek, East Mill Creek, Big Cottonwood, Little Cottonwood, Butler, Granite, Draper, and Silver precincts, in Salt Lake County.

No. 15 —Lehi, Cedar Fort, Fairfield, Alpine, Goshen, Santaquin, Spring Lake, Payson, and Spanish Fork precincts, in Utah County

No. 16.—American Fork, Pleasant Grove, Provo Bench, Lakeview, and Provo precincts, in Utah County.

No 17 —Springville, Thistle, Pleasant Valley Junction, Benjamin, and Salem precincts, in Utah County, all of Emery County and Winter Quarters precinct, in San Pete County.

No 18 —All of Uintah and Wasatch Counties, and Kamas, Woodland, and Peoa precincts, in Summit County

No. 19.—Nephi, Mona, Levan, and Juab precincts, of Juab County, and all of Millard County.

No. 20.—Thistle, Fairview, Mount Pleasant, Spring City, Moroni, Fountain Green, and Ephraim precincts, in San Pete County

No. 21 —Chester, Wales, Manti, Pettyville, Mayfield, Gunnison, Fayette, and Freedom precincts, in San Pete County, and all of Sevier County

No. 22 —All of Beaver and Piute Counties

No. 23.—All of Iron and Garfield Counties, New Harmony precinct, of Washington County, and Bluff City and McElmo precincts, in San Juan County.

No. 24.—All of Kane and the balance of Washington County.

SENATORIAL DISTRICTS.

No. 1.—First and sixth representative districts.
No. 2.—Second and third representative districts.
No. 3 —Fourth and fifth representative districts.
No. 4.—Seventh and ninth representative districts.
No. 5.—Tenth and twelfth representative districts
No. 6 —Eleventh and fourteenth representative districts.
No. 7.—Eighth and thirteenth representative districts
No. 8.—Fifteenth and sixteenth representative districts
No. 9.—Seventeenth and eighteenth representative districts
No. 10.—Nineteenth and twentieth representative districts
No. 11.—Twenty-first and twenty-second representative districts.
No. 12.—Twenty-third and twenty-fourth representative districts.

SEC 8. A copy of this constitution, certified to be correct by the president and secretary of this convention, shall be published by them on or before the 15th day of July, 1887, in one or more of the newspapers in Utah Territory The president and secretary shall also, immediately after its ratification, forward copies of this constitution, duly certified, to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the Delegate in Congress from Utah Territory, and shall deliver or forward a copy, certified as aforesaid, to each of the delegates who may hereafter be elected by this convention

SEC. 9. The terms of all officers named in this constitution, except judicial and senatorial, elected at the first election, shall continue from the time of qualification until the expiration of two years from and including the first Monday in December next succeeding their election, and until the qualification of their successors

SEC 10. The State senators to be elected at the first election under this constitution shall draw lots, so that the term of one-half of the number, as nearly as may be, shall expire at the end of two years from the first Monday in December next succeeding their election, and the term of the other half shall expire in four years from the first Monday in December next succeeding their election, so that one-half, as nearly as may be, shall be elected biennially thereafter *Provided*, That in drawing lots for all senatorial terms, the senatorial representation shall be allotted so that in the counties having two or more senators the terms thereof shall be divided as equally as may be between the long and short terms, and in case of increase in the number of senators they shall be so annexed by lot to one or the other of the two classes as to keep them as nearly equal as practicable.

SEC 11. Unless otherwise provided by Congress, the first election for all officers named in this constitution shall be held on the first Monday in the second month next succeeding the passage of an enabling act or the approval of this constitution by Congress, and

such election shall be conducted and returns thereof made in the manner provided by law. The first session of the legislature shall commence, and all officers herein provided for shall enter upon the duties of their respective offices, on the first Monday of the second month next succeeding said election.

SEC. 12. The justices of the supreme court, elected at the first election, shall hold office from and including the first Monday of the second month next succeeding their election, and continue in office thereafter two, four, and six years, respectively, from and including the first Monday in December next succeeding their election. They shall meet as soon as practicable after their election and qualification, and, at their first meeting, shall determine by lot the term of office each shall fill, and the justice drawing the shortest term shall be chief-justice, and after the expiration of his term the one having the next shortest term shall be chief-justice.

SEC. 13. All officers under the laws of the Territory of Utah, at the time this constitution shall take effect, shall continue in office until their successors are elected and qualified. The time of such election and qualification not herein otherwise provided for shall be as prescribed by law.

SEC. 14. After the admission of this State into the Union, and until the legislature shall otherwise provide, the several judges shall hold courts in their respective circuits at such times and places as they may respectively appoint, and until provisions shall be made by law for holding the terms of the supreme court, the governor shall fix the time and place of holding such court

SEC. 15. This constitution shall be deemed ratified by the people of Utah if at any election to which it is submitted a majority of the votes cast on the question of its adoption be in the affirmative.

SEC. 16. Hons. Franklin S Richards, Edwin G. Woolley, and William W. Riter are hereby elected delegates from this convention to proceed to Washington, D. C , and with the Hon. John T. Caine, Delegate in Congress from Utah, present this constitution to the President of the United States and to the Senate and House of Representatives in Congress assembled and urge the passage of an act of Congress admitting the State of Utah into the Union.

Done in Convention and signed by the Delegates at Salt Lake City, Territory of Utah, this seventh day of July, in the year of our Lord one thousand eight hundred and eighty-seven, and of the Independence of the United States the one hundred and eleventh.

Beaver County.—Philo T. Farnsworth, Franklin R. Clayton.

Box Elder County.—Oliver G. Snow, Richard H. Baty, William Lowe.

Cache County.—James T. Hammond, John E. Carlisle, Joseph Howell, Aaron D. Thatcher, John T. Caine, jr., Ingwald C. Thoresen, William J Kerr.

Davis County.—Joseph Barton, David Stoker, Thomas F. Roueche.

Emery County.—Jasper Robertson.

Iron and San Juan Counties.—Robert W. Heyborne.

Juab County.—Wm. A. C. Bryan, Frederick W. Chappell.

Kane County.—James L. Bunting.

Millard County.—George Crane, Joshua Greenwood.

Morgan County.—Samuel Francis

Piute County.—Matthew Mansfield.

Salt Lake County.—John T. Caine, James Sharp, William W. Riter, Samuel P Teasdel, Franklin S Richards, John Clark, Le Grand Young, Elias A. Smith, Richard Howe, Samuel Bennion, Andrew Jenson, Francis Armstrong, Junius F. Wells, John R. Winder, Feramorz Little, Lewis S Hills.

Sanpete County.—Luther T. Tuttle, Lewis Anderson, Jens Peter Christensen, John Bartholomew, Christian N. Lund.

Sevier County.—William Henry Seegmiller, James S Jensen, William A. Warnock.

Summit County.—Alma Eldredge, John Boyden, Ward E Pack.

Tooele County.—Daniel B. Houtz, William G. Collett

Utah County.—Samuel R. Thurman, Warren N Dusenberry, Abram Noe, George Webb, John E. Booth, William Creer, Jonathan S Page, James O. Bullock.

Wasatch and Uintah Counties.—Abram Hatch.

Washington County.—Edwin G. Woolley, Robert C. Lund.

Weber County.—Lewis W. Shurtliff, David H. Peery, Charles C. Richards, Henry H. Rolapp, Nathaniel Montgomery, George W. Bramwell, jr.

Attest:

HEBER M. WELLS, *Secretary.*